

Court of Appeals, State of Michigan

ORDER

People of MI v Darrin Braswell

Docket No. 355023

LC No. 02-007221-01-FC

Karen M. Fort Hood
Presiding Judge

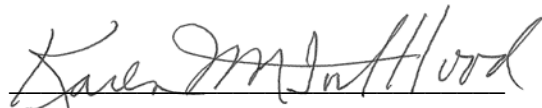
Cynthia Diane Stephens

Thomas C. Cameron
Judges

The motion to waive fees is GRANTED for this case only.

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the trial court's September 3, 2020 order is VACATED, and the matter REMANDED for reconsideration. To the extent defendant challenges whether trial counsel was ineffective for failing to convey a plea offer, the claim is based on new evidence, that being the document authored by Jean Braswell, dated May 15, 2019. Thus, this claim is not barred by MCR 6.502(G), and the trial court erred by refusing to consider this evidence. On remand, the trial court must decide whether relief is warranted with respect to this claim pursuant to MCR 6.508(D) and *Lafler v Cooper*, 566 US 156; 132 S Ct 1376; 182 L Ed 2d 398 (2012).

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

February 16, 2021
Date


Chief Clerk